

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

NOV 12 2004

DAVID J. MALAND, CLERK

BY DEPUTY *S. Guthrie*

BROOKIROUT, INC. §

Vs §

CIVIL ACTION NO. 2:03-CV-59

EICON NETWORKS CORPORATION, §
ET AL.

VERDICT FORM

QUESTION NO. 1:

Has the plaintiff proven by a preponderance of the evidence that the defendants induce the infringement of any of the claims of the '546 patent?

Answer "Yes" or "No" for each claim listed below

'546 Patent

Claim 1 Answer: *YES*

Claim 2 Answer: *YES*

Claim 3 Answer: *YES*

Claim 5 Answer: *YES*

Claim 6 Answer: *YES*

Claim 7 Answer: *YES*

Question No. 2:

Has the plaintiff proven, by a preponderance of the evidence, that the defendants induce the infringement of any of the asserted claims of the '651 patent?

Answer "Yes" or "No" for each claim

'651 Patent

Claim 1	Answer:	<u>YES</u>
Claim 2	Answer:	<u>YES</u>
Claim 3	Answer:	<u>YES</u>
Claim 6	Answer:	<u>YES</u>

Question No. 3:

Have the defendants proven by clear and convincing evidence that any of the asserted claims of the '546 patent are invalid?

Answer "Yes" or "No" for each claim

'546 Patent

Claim 1	Answer:	<u>No</u>
Claim 2	Answer:	<u>No</u>
Claim 3	Answer:	<u>No</u>
Claim 5	Answer:	<u>No</u>
Claim 6	Answer:	<u>No</u>
Claim 7	Answer:	<u>No</u>

Question No. 4:

Have the defendants proven, by clear and convincing evidence, that any of the asserted claims of the '651 patent are invalid?

Answer "Yes" or "No" for each claim.

'651 Patent

Claim 1	Answer:	<u>No</u>
Claim 2	Answer:	<u>No</u>
Claim 3	Answer:	<u>No</u>
Claim 6	Answer:	<u>No</u>

If you have answered "Yes" to any part of Question Nos. 1 or 2, then answer Question Nos. 5 and 6. Otherwise, do not answer Question Nos. 5 and 6. The jury foreperson should sign and date the verdict form and return it to the Security Officer.

QUESTION NO. 5:

Has the plaintiff proven that by clear and convincing evidence that the defendants' infringement, if any, of the claims of the patents in suit was willful?

Answer "Yes" or "No" as to each defendant listed below.

Defendant Eicon Networks Corporation

Answer: No

Defendant Eicon Networks Inc.

Answer: No

QUESTION NO. 6

What sum of money, if any, if paid now in cash, would fairly and adequately compensate the plaintiff for infringement, if any, that you have found in answer to Question No. 1 or Question No. 2?

You should consider only damages from February 2003, to the present

Answer in dollars and cents, if any.

Answer: \$ 94,500⁰⁰

SIGNED this 12 day of November, 2004

Vernon Burk
JURY FOREPERSON